

**DEPARTMENT OF STATE REVENUE**

**LETTER OF FINDINGS NUMBER: 00-0071P**

**Individual Income Tax  
For the Calendar Year 1998**

NOTICE: Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE(S)**

I. **Tax Administration**— Penalty

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

II. **Tax Administration**— Interest

**Authority:** IC 6-8.1-10-1

Taxpayer protests the interest assessed.

**STATEMENT OF FACTS**

Taxpayer, in a letter dated January 27, 2000 protested the penalty and interest assessed. The Department issued its proposed assessment on Liability No. 98-0218874 on January 7, 2000 for a balance in the amount of \$781.80. Taxpayer protested the assessment and states the assessment was due to an oversight by him and his tax preparer.

Taxpayer failed to include the county income tax because he did not realize it was required.

I. **Tax Administration**— Penalty

**DISCUSSION**

Taxpayer states that both he and his tax preparer did not realize that county income tax was required for nonwage income and requests the department waive the penalty due to misinformation.

Form IT-40PNR, line 12, clearly states that a taxpayer reviews the instructions to see if it needs to complete Schedule CT-40PNR. Taxpayer's CPA should have been aware that county tax is due.

**FINDING**

Taxpayer's protest is denied.

**II. Tax Administration – Interest**

**DISCUSSION**

Taxpayer protests the interest assessed.

IC6.8-1-10.1 does not allow the waiver of interest.

**FINDING**

Taxpayer's protest is denied.

**CONCLUSION**

Taxpayer's protest is denied for Issues I. and II.